



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/476,241	12/30/1999	TAKAHIRO KIMOTO	P/1909-122	7511

7590 02/15/2006

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
1177 Avenue of the Americas
41st. Floor
New York, NY 10036-2714

EXAMINER

AN, SHAWN S

ART UNIT	PAPER NUMBER
----------	--------------

2613

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/476,241	KIMOTO, TAKAHIRO	
	Examiner	Art Unit	
	Shawn S. An	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-26 is/are pending in the application.
- 4a) Of the above claim(s) 5-11 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 and 13 is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 14-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Remarks

1. Applicant's remarks as filed on 12/09/05 have been fully considered but they are not persuasive.

The Applicant presents arguments of which the prior art references fail to disclose or show:

A) calculating *for each block* a block feature *that indicates picture quality*,
and

B) calculating a block feature, which is a quantity indicating power of a signal obtained by passing intra-block signals through a band-pass filter, and comparing the block feature with one or more threshold values and thereby generating first block significance for each block.

However, after careful scrutiny of the cited prior art references, the Examiner must respectfully disagree, and maintain the grounds of rejection for the reasons that follow.

In response to argument A), Matsumura et al discloses the block significance determining means calculating for each block a block feature (SAD, Variance) (col. 7, lines 52-63). Matsumura et al does not specifically disclose a conventional concept of calculating a block feature for each block that indicates a picture quality other than a variance of each block.

However, Okuda et al teaches a conventional image signal encoder calculating a block significance feature that indicates a picture quality other than a variance of each block (Fig. 1 (Prior Art), 609; col. 1, lines 39-55). In other words, calculating for each block is met by the significance judgement device (609) determining for each block, and a block feature indicating picture quality is met by determining (indicating) either one of significant block (picture quality) or an insignificant block (picture quality) by evaluating the size of the interframe differential signals (col. 1, lines 39-55).

Art Unit: 2613

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a moving picture encoding apparatus as taught by Matsumura et al to incorporate the conventionally well known concept as taught by Okuda et al as an alternative way (Note: conventionally, there are more than one way to compute block significances) to calculate an accurate/precise assessment of the activity (quality) of the blocks.

In response to argument B, Matsumura et al discloses comparing the block feature with one or more threshold values and thereby generating first block significance for each block (col. 12, lines 39-49). Matsumura et al does not particularly disclose a specific calculation of the block feature, which is a quantity indicating power of a signal obtained by passing intra-block signals through a band-pass filter.

However, Achiha et al teaches conventional concepts of a quantity indicating a signal obtained by passing the intra-block (note: frame comprises of a plurality of blocks) (intra-fied processing circuit) signals through a band-pass filter, and comparing this block feature with one or more threshold values and thereby generating first block significance for each block (Fig. 4, 32 and 36; col. 5, lines 56-68; col. 6, lines 1-4).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a moving picture encoding apparatus as taught by Matsumura et al to incorporate the well known concepts as taught by Achiha et al as an alternative way (Note: conventionally, there are more than one way to compute block significances) to calculate an accurate/precise assessment of the activity (quality) of the blocks.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to

Art Unit: 2613

a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 14-18, 21-22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumura et al (6,125,144) in view of Okuda et al (5,144,428) as previously discussed in the last Office action as filed on 8/09/05.

4. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumura et al and Okuda et al as applied to claim 1 above, and further in view of Asamura et al (5,583,573) as previously discussed in the last Office action as filed on 8/09/05.

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumura et al and Okuda et al as applied to claim 1 above, and further in view of Malvar (4,754,492) as previously discussed in the last Office action as filed on 8/09/05.

6. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumura et al (6,125,144) as previously discussed in the last Office action as filed on 8/09/05.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumura et al (6,125,144) in view of Achiha et al (4,739,390) as previously discussed in the last Office action as filed on 8/09/05.

Allowable Subject Matter

8. Claim 13 is allowed as having incorporated the allowable subject matter as discussed in the last Office action as filed on 2/10/05.

9. Claim 12 is allowed as including at least an allowable subject matter, wherein refresh history determining means temporarily keeps therein the refresh map signal from the map generating means, referring to history of the refresh map and a refresh signal, modifying a value of forced refresh priority indicated by the refresh map signal, thereby generating a modified refresh map signal, wherein the refresh history determining means includes a map history memory which refers to the refresh map signal from the map generating means and the refresh signal from the refresh signal generating means, thereby updating history, beginning at a start of encoding processing, of the refresh map, and storing therein the refresh map.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to *Shawn S. An* whose telephone number is 571-272-7324.

12. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2613

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SHAWN AN
PRIMARY EXAMINER

2/12/06